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OCT. 2, 2006
Date Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Srinka Ghosh
Application No. : 10/773,890
Filed : February 6, 2004
For : Feature extraction of partial microarray images
Examiner : Jerry Lin
Art Unit : 1631
Docket No. : 10030771-1
Date : October 2, 2006

COMMISSIONER FOR PATENTS
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated August 30, 2006, Applicant hereby elects, with traverse, Group 3, claims 16-24 and 26, for examination at this time.

Applicant's Representative has observed an increasing number of seemingly poorly justified restriction requirements of late. Applicant's Representative would respectfully place the current restriction requirement in that category. For example, claim 15 is a dependent claim of claim 1 and includes all of the method steps of claim 1 in addition to storing the results of the method into a computer-readable medium. Thus, this dependent claim simply adds one final step to the method of claim 1. That is what dependent claims are intended for - to add details and flesh out broader, independent claims. Applicant's representative can think of no reasonable basis for claiming that a search for a method comprising five steps, and a search for a method comprising the very same five steps with one additional step would be, together, less burdensome than simply searching for the two, highly related and almost identical methods together. In comparing claim 1 with claim 16, it is readily observed that the system claim of 16 claims a computer system that carries out all

of the steps of the method of claim 1 with the exception of the final feature-extraction step. Furthermore, as will be appreciated by the Examiner in reading the current application, the bulk of the technical disclosure is directed to methods and systems for construction of a regularly shaped region of feature extractability to facilitate feature extraction. That is why the region is called a "regularly shaped region of *feature extractability*."

As the Examiner certainly recognizes, according to MPEP § 803:

Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 806.04 – 806.04(i)) or distinct (MPEP § 806.05 – 806.05(i)).

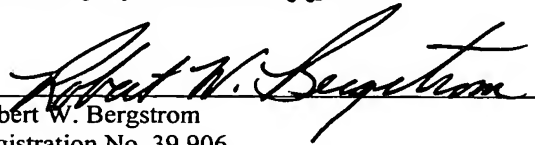
If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (emphasis added)

In Applicant's Representative's respectfully offered opinion, separate searches for a method that constructs a regularly shaped region of feature extractability from a received boundary of the region in the feature within a microarray and a computer system that carries out that method would be far more burdensome than searching the method and system together.

Respectfully submitted,

Srinka Ghosh

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